

**REMARKS**

The Examiner has rejected claims 1-12 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,758,889 to Koga et al in view of U.S. Patent No. 6,749,675 to Momose. Claims 1-12 are currently pending. The following remarks are considered by applicant to overcome each of the Examiner's outstanding rejections. An early Notice of Allowance is therefore requested.

**I. KOGA DISQUALIFIED AS A 103(A) REFERENCE ACCORDING TO 35 U.S.C. 103(C)**

While Examiner asserts that claims 1-12 of the current Application are rendered obvious, in part, by Koga, according 35 U.S.C. § 103(c) Koga may not be used as a 103(a) reference.

The current application claims priority to a priority date of September 25, 2002, based on JP 2002-279783. A verified translation of this priority document is being submitted concurrently with this application. Koga wasn't published until February 13, 2003, but was filed in the US on March 20, 2002. As such, Koga only qualifies as prior art under 102(e).

35 U.S.C. § 103(c)(1) states:

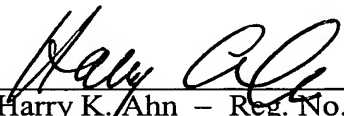
“Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.”

In this case, both the current Application as well as Koga was, at the time the invention was made, owned by, or subject to an obligation of assignment to, Brother Kogyo Kabushiki Kaisha. Accordingly, Applicants respectfully assert that according to 35 U.S.C. § 103(c), U.S. Patent No. 6,758,889 to Koga et al is not available as a reference under 35 U.S.C. § 103(a).

As such, Applicants respectfully assert that Examiner has failed to establish a prima facie case of obviousness of independent Claim 1 and corresponding claims 2-12 because they are dependant from Claim 1. Therefore, Applicants respectfully request that Examiner remove the rejection of claims 1-12 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,758,889 to Koga et al in view of U.S. Patent No. 6,749,675 to Momose.

Based upon the above remarks, Applicant respectfully requests reconsideration of this application and its early allowance. Should the Examiner feel that a telephone conference with Applicant's attorney would expedite the prosecution of this application, the Examiner is urged to contact him at the number indicated below.

Respectfully submitted,

  
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